

FILED

UNITED STATES DISTRICT COURT
ROSWELL, NEW MEXICO

APR 04 2019

John S. M.
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ISAHA CASIAS,

Plaintiff,

v.

1:16-CV-00056-JMC-SCY

STATE OF NEW MEXICO DEPARTMENT
OF CORRECTIONS, TARACINA MORGAN
and HERMAN GONZALES,

Defendants.

JURY VERDICT FORM

Question No. 1:

With respect to Plaintiff Isaha Casias' claim that Defendant Taracina Morgan was deliberately indifferent to a substantial risk of serious harm to Plaintiff in violation of the Eighth Amendment, do you find by a preponderance of the evidence and unanimously agree:

- (a) That Plaintiff Casias' confinement in the van posed a substantial risk of serious harm to his health and safety?

Yes X No _____

If your answer is Yes, proceed to 1(b). If your answer is No, proceed to Question No. 2.

- (b) That Defendant Morgan was deliberately indifferent to that substantial risk of serious harm to Plaintiff?

Yes X No _____

If your answer is Yes, proceed to 1(c). If your answer is No, proceed to Question No. 2.

- (c) That Defendant Morgan's acts or omissions caused Plaintiff Casias to suffer damages?

Yes X No _____

If your answer is Yes to parts 1(a)–(c), then you have found that Defendant Morgan violated Plaintiff Casias' Eighth Amendment rights.

Proceed to Question No. 2.

Question No. 2:

With respect to Plaintiff Isaha Casias' claim that Defendant Herman Gonzales was deliberately indifferent to a substantial risk of serious harm to Plaintiff in violation of the Eighth Amendment, do you find by a preponderance of the evidence and unanimously agree:

- (a) That Plaintiff Casias' confinement in the van posed a substantial risk of serious harm to his health and safety?

Yes X No _____

If your answer is Yes, proceed to 2(b). If your answer is No, proceed to Question No. 3.

- (b) That Defendant Gonzales was deliberately indifferent to that substantial risk of serious harm?

Yes X No _____

If your answer is Yes, proceed to 2(c). If your answer is No, proceed to Question No. 3

- (c) That Defendant Gonzales' acts or omissions caused Plaintiff Casias to suffer damages?

Yes X No _____

If your answer is Yes to parts 2(a)–(c), then you have found that Defendant Gonzales violated Plaintiff Casias' Eighth Amendment rights.

Proceed to Question No. 3.

Question No. 3:

Do you find by a preponderance of the evidence and unanimously agree that Defendant New Mexico Department of Corrections is vicariously liable for the negligent operation or maintenance of a motor vehicle because:

- (a) Defendant Taracina Morgan failed to use ordinary care in the operation or maintenance of the transport van?

Yes X No _____

If your answer is Yes, proceed to 3(b). If your answer is No, proceed to Question No. 4.

- (b) Defendant Morgan's negligence caused Plaintiff Casias to suffer damages?

Yes X No _____

If your answer is Yes to parts 3(a)–(b), then you have found that Defendant New Mexico Department of Corrections is vicariously liable for the negligent operation or maintenance of the motor vehicle because of Defendant Morgan's act or omissions.

Proceed to Question No. 4.

Question No. 4:

Do you find by a preponderance of the evidence and unanimously agree that Defendant New Mexico Department of Corrections is vicariously liable for the negligent operation or maintenance of a motor vehicle because:

- (a) Defendant Herman Gonzales failed to use ordinary care in the operation or maintenance of the transport van?

Yes X No _____

If your answer is Yes, proceed to 4(b). If your answer is No, proceed to Question No. 5.

- (b) Defendant Gonzales' negligence caused Plaintiff Casias to suffer damages?


Yes X No _____

If your answer is Yes to parts 4(a)–(b), then you have found that Defendant New Mexico Department of Corrections is vicariously liable for the negligent operation or maintenance of the motor vehicle because of Defendant Gonzales' act or omissions.

Proceed to Question No. 5.

Question No. 5:

If you find in favor of Plaintiff Isaha Casias on any claim, what is the total amount of compensatory damages, if any, that you award Plaintiff?

\$ 100,000,000 One Million


If you find in favor of Plaintiff Isaha Casias on any claim, but did not assign any compensatory damages above, you may award nominal damages of up to \$1 against Defendants. Please enter the amount, if any, of nominal damages below. You cannot award nominal damages if you award compensatory damages.

Proceed to Question No. 6.

Question No. 6:

If you find that Defendant Taracina Morgan violated Plaintiff Isaha Casias' Eighth Amendment rights, do you find by a preponderance of the evidence and unanimously agree:

- (a) That Taracina Morgan's acts were done with malice or reckless indifference to Plaintiff Casias' federally protected rights?

Yes X No

If your answer is Yes, proceed to 6(b). If your answer is No, proceed to Question No. 7.

- (b) Should punitive damages be assessed against Defendant Taracina Morgan?

Yes X No

If your answer is Yes, proceed to 6(c). If your answer is No, proceed to Question No. 7.

- (c) In what amount should punitive damages be assessed against Defendant Taracina

Morgan? \$500,000

Proceed to Question No. 7.

Question No. 7:

If you find that Defendant Herman Gonzales violated Plaintiff Isaha Casias' Eighth Amendment rights, do you find by a preponderance of the evidence and unanimously agree:

- (a) That Herman Gonzales' acts were done with malice or reckless indifference to Plaintiff Casias' federally protected rights?

Yes X No _____

If your answer is Yes, proceed to 7(b). If your answer is No, proceed to the end of this form.

- (b) Should punitive damages be assessed against Defendant Herman Gonzales?

Yes X No _____

If your answer is Yes, proceed to 7(c). If your answer is No, proceed to the end of this form.

- (c) In what amount should punitive damages be assessed against Defendant Herman Gonzales? \$500,000

Proceed to the end of this form.

When you complete your deliberations, the foreperson shall sign and date this verdict form and return it to the Court.

4/4/2019

DATE

FOREPERSON